

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LARRY C. WISE,

Plaintiff,

Case No. 10-CV-11438

v.

HON. GEORGE CARAM STEEH

STATE OF MICHIGAN,

Defendant.

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ORDER DENYING PLAINTIFF'S MOTION TO REQUEST  
DISQUALIFICATION OF MAGISTRATE JUDGE MORGAN (#5) AS MOOT

Plaintiff Larry Wise, appearing pro se, filed a motion to disqualify Magistrate Judge Morgan pursuant to 28 U.S.C. §455(a)(1) and (3). Plaintiff argues Magistrate Judge Morgan's "personal opinion may effect [sic] her impartiality" and that she "may have a personal bias or prejudice in cases involving Mental Health commitments" due to her experience with similar cases while serving as a probate judge. 28 U.S.C. §455(b)(1) and (3) provide that a Magistrate Judge shall recuse herself in circumstances "[w]here [s]he has a personal bias or prejudice concerning a party" or "has served in government employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case or controversy." While these circumstances do not appear present in this case, and while Magistrate Judge Morgan is the proper adjudicator of the disqualification request, the court denies plaintiff's motion on a procedural matter. No motions have yet been referred to Magistrate Judge Morgan and no motions will be referred to Magistrate Judge Morgan because of her upcoming retirement. Therefore, the court deems plaintiff's motion to

disqualify Magistrate Judge Morgan moot and DENIES plaintiff's motion.

Dated: March 29, 2011

S/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record and  
Larry Wise, P.O. Box 356, Byron, MI 48418 on  
March 29, 2011, by electronic and/or ordinary mail.

s/Marcia Beauchemin  
Deputy Clerk